

Notice of Allowability

Application No.

10/645,693

Examiner

Cam N Nguyen

Applicant(s)

MATACOTTA ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a divisional of application 09/590,454 (now US Pat 6,638,492) & a telephone com. on 5/27/04 *can*
2. ☒ The allowed claim(s) is/are 10 (which has been renumbered 1).
3. ☒ The drawings filed on 21 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/27/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Cam N Nguyen
5/27/04

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with *Mr. Martin L. Katz* on *May 27, 2004*.

2. The application has been amended as follows:

In the claim

Claim 10, line 1-2, ", wherein" has been changed to --in the presence of--.

Claim 10, line 2, "conventionally" has been deleted.

Claim 10, line 4, "or" has been deleted.

Claim 10, line 5, "conventionally".

Claim 10, line 7, "and in that it is prepared in a form which" has been deleted and replaced thereof with --wherein the catalyst--.

Claim 10, line 8, "is used" has been deleted.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or fairly suggest a method for converting carbon

Art Unit: 1754

monoxide to carbon dioxide in the presence of a catalyst having a non-stoichiometric crystalline compound designated by a formula (I), formula (II), or mixture thereof.

There is no motivation to combine the teachings of the references together.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citations

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matacotta et al. (US Pat. 6,334,987 B1), Kasahara et al. (US Pat. 5,270,024), Nakatsuji et al. (US Pat. 5,380,692), Ovshinsky et al. (US Pat. 5,227,362), Ziebarth et al. (US Pat. 5,882,616), Aufdembrink et al. (US Pat. 5,036,159) are cited for related art.

Conclusion

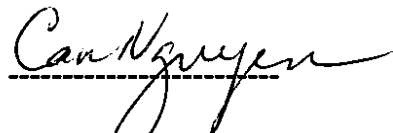
5. Claim 10 is originally pending in the application. Claim 10 is allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (571) 272-1357. The examiner can normally be reached on M-F from 9:30 am. to 6:00 pm.

Art Unit: 1754

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to telephone number (571) 272-1700.

A handwritten signature in cursive script, appearing to read "Cam Nguyen", written over a horizontal dashed line.

Cam Nguyen

Primary Examiner

Art Unit: 1754

Nguyen/cnn *Can*

May 27, 2004